

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America

v.

KYLE SHYKA

Case No.

Mag. No. 21-17073 (SAK)

Defendant(s)

CRIMINAL COMPLAINT

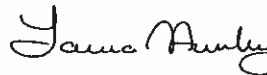
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 23, 2020 in the county of Gloucester in the
District of New Jersey, the defendant(s) violated:*Code Section**Description of Offenses*18 U.S.C. §§2252A(a)(2)(A) and
2252A(b)(1).

Distribution of child pornography. See Attachment A.

This criminal complaint is based on these facts:

See Attachment B

☒ Continued on the attached sheet.*Complainant's signature*

Special Agent Laura Hurley, HSI

*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

telephone _____ (specify reliable electronic means).

Date:

10/29/21*Judge's signature*

City and state:

District of New Jersey

Honorable Sharon A. King, U.S.M.J.

Printed name and title

CONTENTS APPROVED

UNITED STATES ATTORNEY

BY: /s/ Patrick C. Askin
PATRICK C. ASKIN
Assistant United States Attorney

Date: October 28, 2021

ATTACHMENT A

On or about October 23, 2020, in Gloucester County, in the District of New Jersey and elsewhere, the defendant,

KYLE SHYKA,

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that had been mailed, or using any means and facility of interstate and foreign commerce, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1) and Title 18, United States Code, Section 2.

ATTACHMENT B

I, Laura Hurley, being duly sworn, do hereby state as follows:

1. I have been employed as a Special Agent ("SA") with the U.S. Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations ("HSI") since December 2018 and am currently assigned to the Cherry Hill Office located in New Jersey. Before that time, I served as a Detective with the New Jersey Division of Criminal Justice where I was assigned to the New Jersey Internet Crimes Against Children Task Force. Prior to that position, I was an Analyst with the National Center for Missing and Exploited Children assigned to the Child Victim Identification Program. I have received specialized training in the investigation of offenses involving child pornography (as defined in 18 U.S.C. § 2256) and have, as part of my daily duties, investigated criminal violations relating to child exploitation and child pornography, including violations pertaining to illegally possessing, receiving, distributing, and producing child pornography and the online enticement of minors.

2. The information provided in this Affidavit is based on my personal knowledge, my training and experience, my review of reports and records, and information learned from other law enforcement agents, witnesses and documents. Except as otherwise indicated, the actions, conversations, and statements of others identified in this Affidavit are reported in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

3. This Affidavit is submitted for the limited purpose of setting forth probable cause for the issuance of the requested criminal complaint and arrest warrant. For that reason, I have not included every fact known to me regarding this investigation. Rather, I have set forth only those facts which I believe are necessary to establish probable cause to support issuance of the requested criminal complaint and arrest warrant.

4. On January 13, 2021, law enforcement agents executed a search warrant at the residence of KYLE SHYKA, 694 Dutch Mill Road, Newfield, New Jersey. The warrant authorized the search and seizure of evidence of the distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A, including computers and storage media located at the residence.

5. The search of the residence yielded various computers, cellular phones, and electronic storage devices, including:

- a. One (1) Samsung Galaxy S10 cellular phone (Device Model: SM-G973U, IMEI: 357295100900104) which contained:

- i. One (1) SanDisk Ultra 32GB MicroSD card
(3203DGVMFAP8)

(Together, the "Cellular Phone")

6. The Cellular Phone was located within KYLE SHYKA's bedroom in the basement of the residence along with KYLE SHYKA's wallet, New Jersey Driver's License, and clothing.

7. A forensic search of the Cellular Phone revealed an associated phone number of XXX-XXX-4944 (the "4944 phone number") and a Bluetooth device name of "Kyle's Galaxy S10." The search also revealed the presence of images and videos depicting KYLE SHYKA and numerous email accounts including "kshyka1267@gmail.com," "kyleshyka@gmail.com," and "dirtbikedfreak704@gmail.com."

8. Additionally, a forensic search of the Cellular Phone revealed the presence of a Kik mobile messaging application account associated with the username "SumerianRazor." A review of the Kik account revealed communication between "SumerianRazor" and an Undercover Agent, including the correspondence listed below.

a. On or about October 23, 2020, between approximately 1:34:09 PM (UTC+0) and 1:34:14 PM (UTC+0), Kik username "SumerianRazor" transmitted two (2) video files that appeared to depict child pornography to an Undercover Agent. A description of those videos follows:

- i. File name ending in 2189.mp4: This video is approximately twenty-one seconds (00:00:21) in length and depicts a male manually stimulating his penis and ejaculating on the face and mouth of a nude prepubescent female child. The child then manually stimulates and performs fellatio on the male. A check with the National Center for Missing and Exploited Children revealed that this video appears to contain a child victim who has been previously identified by law enforcement.
- ii. File name ending in b737.mp4: This video is approximately one minute twenty-two seconds (00:01:22) in length and depicts a male anally penetrating a female child with his erect penis. The female child is wearing a dress or nightgown that has been pulled up, exposing her anus to the camera.

9. A forensic search of the Cellular Phone, associated with KYLE SHYKA, revealed copies of the video files described above and at least one hundred additional files of child pornography, including images and videos depicting prepubescent female children engaged in sexual activity with adult males.

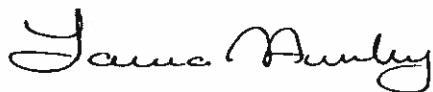
10. Communication provided by the Undercover Agent revealed that between on or about October 21, 2020 and October 22, 2020, an individual, believed to be KYLE SHYKA utilizing the 4944 phone number, contacted the Undercover Agent and provided his Kik username of "SumerianRazor."

11. A subpoena was served on Kik for subscriber information associated with "SumerianRazor." Kik responded that "SumerianRazor" was associated with an email address of "dirtbikedfreak704@gmail.com" and accessed from a Samsung Galaxy S10 (SM-G973U) cellular phone. Kik also provided Internet Protocol (IP) address history for "SumerianRazor" which revealed the account had been accessed numerous times from IP address 73.199.31.83.

12. A subpoena was served on Comcast Cable Communications for subscriber information associated with IP address 73.199.31.83. Comcast identified KYLE SHYKA's residence, 694 Dutch Mill Road, Newfield, New Jersey, as the address associated with the aforementioned IP address.

13. A subpoena was served on T-Mobile for subscriber information associated with the 4944 phone number. T-Mobile identified the subscriber of the 4944 phone number, which is the telephone number associated with the Cellular Phone, to be KYLE SHYKA.

This affidavit was sworn out by telephone, in accordance with Federal Rule of Criminal Procedure 4.1



Laura Hurley
Special Agent, Homeland Security Investigations

Date:



HONORABLE SHARON A. KING
United States Magistrate Judge

Date:

10/29/21